

REMARKS

The Final Office Action mailed October 23, 2007 considered claims 1, 4-10, 12, and 15-29. Claims 1, 4-10, 12, and 15-20, 27 were rejected under 35 U.S.C. 102(b) as being anticipated by Lerner et al. (US 6,192,395) hereinafter *Lerner*. Claims 21-26, 28-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Lerner* in view of Blattner et al. (US 2004/0179039) hereinafter *Blattner* '039.¹

By this paper, claims 1, 10, 12, and 29 have been amended². Claims 1, 4-10, 12, 15-29 remain pending in the application, of which only claims 1, 10 and 12 are independent claims.

As a preliminary matter, Applicants would like to thank the Examiner for the courtesies extended during the telephonic communication of October 30, 2007. Details of that conversation are included herein below.

The claims are generally directed to obtaining a speaker identifier, the speaker identifier including a user name, associating the speaker identifier with a visual indicator indicating voice speakers and selectively and temporarily displaying the visual indicator and the user name when a voice speaker is speaking. When displayed, the visual indicator and the user name are displayed adjacent to one another. An example of this is illustrated in Figure 4 of the present application where a player ID 364 and a speaker icon 362 displayed adjacent to one another are temporarily displayed while a speaker is speaking. The claims have been amended to clarify the both the user name and the visual indicator are temporarily displayed when the speaker is speaking.

To show these elements, the Office Action cites to *Lerner*. Although the Office Action cites to figure 4a-c, Applicant assumes that Figures 7a-c were intended as Figures 4a-c are nonexistent in *Lerner*. In direct contrast to what is now recited by the claims of the present application, *Lerner* appears to show that at least the label of the visual ID 206 persists whether or not a participant is speaking. For example, at col. 13, lines 7-12 teach:

In FIG. 7b visual identification module 60 determined that participant 1 is speaking. Accordingly, unlike participants 2 thru N, the visual ID state 212 of participant 1 is set to "1" and the visual ID 206 of the participant is hatched rather than blank.

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Support for the amendments can be found throughout the specification, but with particularity at page 4, line 4 through page 5, line 2.

And at col. 13, lines 16-20:

In FIG. 7c, participants 2 and 3 are now speaking and participant 1 has stopped speaking. Accordingly, the visual ID 206 of participants is now hatched while all other participants are unhatched.

Thus, the visual ID is changed by hatching when a participant speaks, and is unhatched when the participant is not speaking, but is nonetheless displayed along with the name label. This is in direct contrast to what is recited by the claims, which is "selectively and temporarily, when the voice speaker is speaking, displaying the visual indicator and the user name...." As illustrated in Figures 7B and 7C of *Lerner*, the labels participant 1, participant 2, participant 3, etc. persist whether or not a participant is speaking. Only hatching indicating that a speaker is speaking is changed on the visual ID 206. Thus, the claims appear to be patentable over *Lerner*.

While not necessary, Applicant would like to further point out a number of the dependent claims. In particular, claim 28 recites "displaying an indicator indicating that a participant does not have a voice communicator." Claim 29 recites "displaying an indicator indicating that a participant can hear voice communications, but does not have a microphone."

With respect to a number of the dependent claims, the Office Action cites to *Blattner* '039. However, applicants traverse this rejection. In particular, *Blattner* '039 was filed December 30, 2003, more than 3 months after the filing of the present application. The Office Action asserts that based on provisional applications 60427941 (filed November 21, 2002), 60464106 (filed April 21, 2003), 60488399 (filed July 21, 2003), 60450663 (filed on March 3, 2003), that *Blattner* '039 has an effective filing date of November 12, 2002 (applicant assumes that November 21, 2002 was intended based on 60427,941). However, *Blattner* '039 only claims priority to 60450663 filed March 3, 2003 and 60/512,852 filed on October 22, 2003. Thus, *Blattner* '039 cannot have the effective filing date asserted by the Office Action. Nonetheless, *Blattner* '039 does claims priority to 60450663 filed March 3, 2003, which is earlier than the filing date of the present application. Thus, the four pages comprising 60450663 have been reviewed by the Applicant. However, 60450663 does not appear to teach the elements displaying an indicator indicating that a participant does not have a voice communicator or displaying an indicator indicating that a participant can hear voice communications, but does not have a microphone.

Applicants note that while not necessary under the present rejections, provisional applications 60427941 (filed November 21, 2002), 60464106 (filed April 21, 2003), and 60488399 (filed July 21, 2003) were also reviewed. However, these applications do not appear

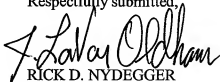
to teach "displaying an indicator indicating that a participant does not have a voice communicator" or "displaying an indicator indicating that a participant can hear voice communications, but does not have a microphone" as is recited by claims 28 and 29 respectively. As Applicant has access to the provisional applications in question, Applicant respectfully requests that should the rejections to these claims be maintained, that references be made to the locations in the provisional applications that support the asserted rejections.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 30th day of October, 2007.

Respectfully submitted,



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